

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**C.R.R No.3011 of 2016 (O&M)
Date of Decision : 08.09.2016**

Pardeep and others

..... Petitioners

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. N.S. Shekhawat, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent conviction of the petitioners under Sections 323, 332, 353 IPC read with Section 149 IPC and sentenced to undergo rigorous imprisonment of one year in case FIR No. 81 dated 31.08.2007, at P.S. Satnali, District Mahendergarh registered under Sections 148, 323, 332, 341, 149, 506, 353 & 357 IPC.

As per the allegations, some undertrial prisoners were being taken to be produced in Court in Mohindergarh and on the way near Surheti Jakhal two vehicles i.e. Scorpio and Bolero forced the official vehicle to a stop and 15-20 persons beat up the undertrial prisoners. The police personnel escorting the victims tried their best to save them and they were also caused injuries by fist & leg blows and danda. Thereafter the guilty persons escaped. Medical examination was conducted by Dr. Kanwar Singh corroborating the injuries on the undertrials and police personnel. The police personnel who were present identified the petitioners. Thereafter the trial Court convicted the three petitioners. The appeal having been dismissed the present petition has been filed.

Learned counsel for the petitioners has laid great stress on the fact that only three persons have been found guilty of attacking a large police party and the undertrials. He has also argued that the three alleged victims have turned hostile.

These precise arguments have been considered by both the Courts below. It must be kept in mind that an acquittal in a Criminal Court does not unnecessarily mean that a person has been found innocent. An accused has to be acquitted even if there is a lurking doubt

in the story of the prosecution because the standard of proof required in a criminal trial is much higher than that which is required in a civil case. There is no contradiction if a Court finds that out of 10 or 15 people the prosecution has been able to prove the case only against 2 or 3 persons beyond reasonable doubt and convicts them. It does not mean that only those 2 or 3 people were at the spot. In the present case, once the injuries are proved it shows that the occurrence did take place. There is no allegation that the injured police personnel who testified against the petitioners had any animosity against them. The mere fact that the undertrial persons have resiled would not completely erode the case against the petitioners.

Learned counsel for the petitioners has further argued that there may be some scope in reduction of their sentence.

Even this argument does not find favour with me. The action of the petitioners in attacking the police party escorting undertrials is one of the extreme cases of lawlessness and to my mind the petitioners have gotten away relatively easy. The sentence of one year imposed upon them cannot be termed to be unreasonable by any standard.

Consequently, the revision petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

September 08, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No